

AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1570

**Introduced by Committee on Veterans Affairs (Salas (Chair), Lieu,
V. Manuel Perez, Saldana, and Yamada)**

March 16, 2009

An act to add Article 8 (commencing with Section 999.75) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1570, as amended, Committee on Veterans Affairs. Veterans: service providers.

Existing law provides for certain services, protections, and benefits for veterans.

This bill would require each entity of state government to give preference to a qualified entity, as defined, when awarding a grant for a project that would provide, or when entering into a contract to provide, social services to veterans. This bill would require a qualified entity to submit with the application for the grant or the bid for the contract a certification, as provided, from the Department of Veterans Affairs. This bill would authorize the Department of Veterans Affairs to charge a fee for the actual costs incurred by the department in reviewing each application.

~~Existing law establishes the Department of Veterans Affairs. Among other duties, the department is authorized to assist every veteran of any war of the United States and the dependent or survivor of every veteran in presenting and pursuing claims against the United States that the veteran may have arising from war service and in establishing the~~

~~veteran's or dependent's right to privilege, preference, care, or compensation as provided for by federal or state law, as specified.~~

~~Existing law also authorizes the board of supervisors of a county to grant financial assistance, relief, and support to indigent veterans. Existing law requires an organization desiring to assist indigent veterans to first file with the board of supervisors of the county in which it is operating or intending to operate a verified statement setting forth specified information regarding the organization, including its financial condition.~~

~~This bill would express the intent of the Legislature to enact legislation that would ensure that the selection process to determine whether the state shall award a grant for a project that would provide, or enter into a contract to provide, services to veterans shall include a preference for awarding a grant to, or entering into a contract with, an entity that meets specified criteria. The bill would also express the intent of the Legislature to enact legislation that would ensure that the selection process to determine whether the state shall award a grant, or enter into a contract, to provide social services to veterans shall include a requirement that the applicant or bidder submit with the application for the grant or the bid for that contract a specified certification from the Department of Veterans Affairs indicating that the applicant or bidder is qualified to provide services to veterans and is capable of managing the grant moneys provided, or the contract funds allocated, as applicable, in a fiscally prudent manner, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8 (commencing with Section 999.75) is
2 added to Chapter 6 of Division 4 of the Military and Veterans
3 Code, to read:

4
5 Article 8. Veterans Preference For State Contracts
6

7 999.75. For purposes of this article, both of the following shall
8 apply:

9 (a) The "department" means the Department of Veterans
10 Affairs.

1 **(b)** A “qualified entity” means an entity that provides services
2 to veterans and is capable of managing the grant moneys provided
3 or the contract funds allocated in a fiscally prudent manner, that
4 meets all of the following requirements:

5 **(1)** Demonstrates the knowledge, experience, and capacity to
6 provide desired services to veterans.

7 **(2)** Demonstrates through audits and employment history the
8 fiscal and management capacity to capably perform public
9 contracts.

10 **(3)** Is incorporated with the primary purpose of providing
11 services to veterans and their families.

12 **(4)** Demonstrates that the majority of the entity’s resources are
13 dedicated to serving the needs of veterans and their families.

14 **(5)** Demonstrates that all required filings with the Secretary of
15 State, charitable trusts, and the Attorney General’s office are
16 current.

17 **(6)** Has the following up-to-date documents on file with the
18 department:

19 **(A)** Articles of incorporation.

20 **(B)** IRS Letter of Determination.

21 **(C)** Taxpayer identification number.

22 **(D)** Independent audit reports dating back three years.

23 999.76. **(a)** Notwithstanding any other law, each entity of state
24 government that awards grants to, or enters into contracts with,
25 nongovernmental agencies shall give preference to a qualified
26 entity when awarding a grant for a project that would provide to
27 veterans, or when entering into a contract to provide to veterans,
28 social services, including, but not limited to, housing services,
29 mental health services, employment services, education services,
30 or case management services.

31 **(b)** The qualified entity shall submit, with the application for
32 the grant or the bid for the contract, a certification from the
33 department.

34 **(c)** **(1)** In order to obtain a certification as required by
35 subdivision **(b)**, the qualified entity shall apply to the department,
36 in a form and manner as required by the department, for
37 certification of its status as a qualified entity.

38 **(2)** The department shall process and approve or reject all
39 applications on the basis of the requirements set forth in
40 subdivision **(b)** of Section 999.75.

1 999.77. *The department may charge to each applicant for*
2 *certification a fee, not to exceed five hundred dollars (\$500), for*
3 *the actual costs incurred by the department in reviewing the*
4 *application.*

5 ~~SECTION 1. (a) It is the intent of the Legislature to enact~~
6 ~~legislation that would ensure that the selection process to determine~~
7 ~~whether the state shall award a grant for a project that would~~
8 ~~provide, or enter into a contract to provide, services to veterans~~
9 ~~shall include a preference for awarding the grant to, or entering~~
10 ~~into a contract with, an entity that meets all of the following~~
11 ~~criteria:~~

12 ~~(1) The facility or facilities in which the services will be~~
13 ~~provided shall be constructed or acquired using public financing,~~
14 ~~in whole or in part.~~

15 ~~(2) The primary use of the facility or facilities shall be to provide~~
16 ~~services to veterans.~~

17 ~~(3) The entity that is awarded the grant or that receives the~~
18 ~~contract shall verifiably demonstrate that the facility or facilities~~
19 ~~were constructed or acquired using public financing. Public~~
20 ~~financing may include grants, loans that incorporate special~~
21 ~~agreements for forgiveness or forbearance, loans offered at below~~
22 ~~market interest rates, or low-income tax credits provided for the~~
23 ~~construction of the facility or facilities.~~

24 ~~(b) It is the intent of the Legislature to enact legislation that~~
25 ~~would ensure that the selection process to determine whether the~~
26 ~~state shall award a grant, or enter into a contract, to provide social~~
27 ~~services to veterans shall include a requirement that the applicant~~
28 ~~or bidder submit with the application for the grant or the bid for~~
29 ~~that contract a certification from the Department of Veterans~~
30 ~~Affairs that the applicant or bidder is qualified to provide services~~
31 ~~to veterans and is capable of managing the grant moneys provided~~
32 ~~or the contract funds allocated in a fiscally prudent manner. The~~
33 ~~department may certify an entity for that purpose if the entity meets~~
34 ~~all of the following criteria:~~

35 ~~(1) Demonstrates the knowledge, experience, and capacity to~~
36 ~~provide desired services to veterans.~~

37 ~~(2) Demonstrates through audits and employment history the~~
38 ~~fiscal and management capacity to capably perform public~~
39 ~~contracts.~~

1 ~~(3) Is incorporated with the primary purpose of providing~~
2 ~~services to veterans and their families.~~

3 ~~(4) Demonstrates that the majority of the entity's resources are~~
4 ~~dedicated to serving the needs of veterans and their families.~~

5 ~~(5) Demonstrates that all required filings with the Secretary of~~
6 ~~State, charitable trusts, and the Attorney General's office are~~
7 ~~current.~~

8 ~~(6) Has the following up-to-date documents on file with the~~
9 ~~Department of Veterans Affairs: articles of incorporation, IRS~~
10 ~~Letter of Determination, taxpayer identification number, and~~
11 ~~independent audit reports dating back three years.~~

O